

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

IN RE: BARCELONE LUC

BARCELONE LUC,
Appellant

v.

CHANTAL LUC,
Appellee

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CIVIL ACTION NO. 05-10845 WGY
ON APPEAL FROM BANKRUPTCY COURT
DOCKET NO. 05-10544 WCH

MOTION TO CONTINUE OR ENLARGE FILING DATES

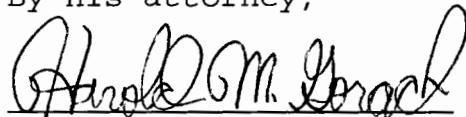
Now comes the Appellant, Barcelone Luc (hereinafter "B. Luc") by and through his attorney, Harold M. Gorach and respectfully moves this Honorable Court to continue and enlarge deadlines for filing all appeals in the above-entitled action for the following reasons:

1. On or about February 7, 2005, the Appellee, Chantal Luc filed a Motion for Relief From Automatic Stay Re: In order that wife may pursue her divorce.
2. On or about February 21, 2005, the Appellant, Barcelone Luc filed an Opposition To Appellee's Motion for Relief From Automatic Stay Re: In order that wife may pursue her divorce.
3. On March 10, 2005, a hearing was held in the United States Bankruptcy Court before the Honorable William C. Hillman relative to said Motion. At said hearing the Court entered an Order allowing the Appellee's Motion.
4. On March 20, 2005, Debtor/Appellant's counsel filed a Timely Notice of Appeal on behalf of the Debtor/Appellant pursuant to Fed. Bank. R. 8001(a).
5. On March 30, 2005, Debtor/Appellant's counsel filed with the Court the Appellant's Designation of Contents for Inclusion in Record On Appeal and Statement of Issues presented.

6. Included in the Appellant's Designation of Contents for Inclusion in Record On Appeal and Statement of Issues was the fact that the transcript of the hearing held on March 10, 2005 before the Honorable William C. Hillman was to be included in the items to be included in the record on Appeal.
7. On or about April 14, 2005, Debtor/Appellant's counsel submitted copies of the documents that he wished to be included in the record on Appeal to the Bankruptcy Court. At said time, Debtor/Appellant's counsel advised the Bankruptcy Court that he had order a copy of the transcript of said hearing but had not received the copy of the transcript.
8. On April 18, 2005, the Bankruptcy Court prematurely forwarded the Transmittal of the Record to the United States District Court even though the copy of the transcript was not yet available.
9. The docket in the above-entitled action reflects that the transcript became available on May 10, 2005.
10. Debtor/Appellant's counsel was advised by the Chapter 13 Trustee's Office that the United States Trustee was designated on the record as being the Appellee in the above-entitled action.
11. Said designation is incorrect as the proper Appellee in said action is Chantal Luc not the United States Trustee.
12. Debtor/Appellant's counsel contacted the Appellee, Chantal Luc's counsel, Peter Hoban, Esq., Nasson, Hoban & Jesson, LLP, 278 Mystic Avenue, Medford, Massachusetts and was advised that he had received no notice from the Court regarding the Debtor/Appellant's appeal other than copies of pleadings filed by Debtor/Appellant's counsel. Counsel for the Appellee advised Debtor/Appellant's counsel that he did not receive a copy of the Court's order of April 28, 2005.
13. For the reasons outlined above, Debtor/Appellant respectfully requests that all dates contained in the Court's Order of April 28, 2005 be continued or enlarged for a period of fourteen (14) days and the designation of the Appellee be corrected to reflect the correct Appellee, Chantal Luc.

WHEREFORE the Debtor/Appellant, Barcelone Luc respectfully prays that this Honorable Court allow his Motion To Continue and Enlarge Filing Dates for a period of Fourteen days, correct the designation of the Appellee on the record and order whatever other remedy this Honorable Court deems meet and just.

Respectfully submitted
For the Debtor/Appellant,
BARCELONE LUC
By his attorney,

A handwritten signature in black ink, appearing to read "Harold M. Gorach", written over a horizontal line.

Harold M. Gorach, Esq.
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(617) 742-3538 (Fax)

Dated: May 13, 2005

CERTIFICATE OF SERVICE

I, Harold M. Gorach, Esq., hereby certify that I have this day via first class mail postage prepaid delivered a copy of the within Motion To Continue or Enlarge Filing Dates to the following:

Doreen B. Solomon, Esq.
Chapter 13 Trustee
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Andrew S. Harmon, Esq.
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Chantal Luc
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Barcelone Luc
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Peter D. Hoban, Esq.
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this 13th day of May, 2005.


Harold M. Gorach, Esq.